

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ANAM IMRAN, §
Plaintiff, §
§
v. §
§
THE WOODLANDS MALL § CIVIL ACTION NO. 4:21-cv-02845
ASSOCIATES, LLC and SCHINDLER § JURY DEMANDED
ELEVATOR CORPORATION, §
Defendants. §

DEFENDANT SCHINDLER ELEVATOR CORPORATION'S NOTICE OF REMOVAL

Schindler Elevator Corporation (hereinafter “Schindler”) removes the above-captioned case, in accordance with 28 U.S.C. §§ 1332, 1441, and 1446, from the 157th District Court for Harris County, Texas to the United States District Court for the Southern District of Texas, Houston Division. Schindler would respectfully show this Court as follows:

I.
GROUND FOR REMOVAL

1. Federal Jurisdiction exists over this lawsuit because it involves parties with diverse citizenship and the amount in controversy exceeds \$75,000. All defendants in this case, proper or improper, have complete diversity of citizenship and removal is proper.

II.
BACKGROUND

2. This is purportedly a product liability and negligence suit arising out of a slip and fall that occurred on or about November 28, 2020 in which diversity jurisdiction exists. *See* Plaintiff's Original Petition, attached as Exhibit A. Plaintiff claims that she slipped and fell on a puddle of water while descending on escalator located at The Woodlands Mall. *Id.* Plaintiff asserts premises liability and negligent undertaking causes of action against Defendant The

Woodlands Mall Associates, LLC (“Woodlands Mall”). *Id.* Plaintiff asserts negligent undertaking, manufacturing defect(s), design defect(s), and failure to warn causes of action against Defendant Schindler Elevator Corporation. *Id.*

3. Plaintiff is a citizen of Texas. *Id.* Defendant Schindler is a citizen of Delaware, with its principal place of business in New Jersey. *See* Texas Secretary of State Report for Schindler Elevator Corporation, attached as Exhibit D. Defendant The Woodlands Mall Associates, LLC is a citizen of Delaware, with its principal place of business in Illinois. *See* Texas Secretary of State Report for The Woodlands Mall Associates, LLC, attached as Exhibit E.

III.
PROCEDURAL HISTORY

4. On July 29, 2021, Plaintiff filed suit against Schindler and Woodlands Mall in Cause Number 2021-45987; *Anam Imran v. The Woodlands Mall Associates, LLC and Schindler Elevator Corporation*; in the 157th Judicial District Court of Harris County, Texas. *See* Plaintiff’s Original Petition, attached as Exhibit A. Schindler timely filed a Motion to Transfer Venue and subject thereto its Original Answer on August 23, 2021.¹

IV.
REMOVAL IS TIMELY

5. This notice of removal is timely pursuant to 28 U.S.C. § 1446 (b) because it is filed within 30 days of August 2, 2021², the date defendants were served with a summons and copy of the Original Petition and within one year from when Plaintiff commenced its state court action.

¹ *See* Schindler Elevator Corporation’s Motion to Transfer Venue and Subject Thereto, its Original Answer, attached as Exhibit C.

² *See* Return of Citation served on Schindler Elevator Corporation, attached as Exhibit B.

V.

DIVERSITY OF JURISDICTION EXISTS FOR REMOVAL

6. Federal removal jurisdiction exists in this case because the parties, Plaintiff and Defendants, are diverse. 28 U.S.C. §§ 1441(a), 1332. Plaintiff is a citizen of Texas. *See* Plaintiff's Original Petition, attached as Exhibit A. Defendant Schindler is a citizen of Delaware, with its principal place of business in New Jersey. *See* Texas Secretary of State Report for Schindler Elevator Corporation, attached as Exhibit D. Defendant The Woodlands Mall Associates, LLC is a citizen of Delaware, with its principal place of business in Illinois. *See* Texas Secretary of State Report for The Woodlands Mall Associates, LLC, attached as Exhibit E. All members of the limited liability company are residents of Illinois. *Id.*

7. There is no question that the amount in controversy requirement is satisfied. Plaintiff alleges that it seeks monetary relief over \$250,000 but not more than \$1 million.³ Because the Plaintiff and Defendants are completely diverse, and because the amount in controversy exceeds \$75,000, complete diversity exists and this Court has removal jurisdiction. 28 U.S.C. §§ 1332, 1441.

VI.

PROCEDURAL REQUIREMENT FOR REMOVAL

8. Venue for this removal is proper under 28 U.S.C. § 1441(a) because this Court is a United States District Court for the district and division corresponding to the place where the state court action was pending – Harris County.

9. Simultaneously with the filing of this Notice of Removal, a copy of this Notice of Removal has been served on all parties and forwarded for filing with the Clerk of the District Court of Harris County in accordance with 28 U.S.C. § 1446(d).

³ *See Plaintiff*' Original Petition at ¶ 2, attached as Exhibit A.

VII.
CONSENT TO REMOVAL

10. Because Schindler is the only defendant who has been properly joined and served, no consent to removal is required. 28 U.S.C. § 1446(b)(2)(A). However, Schindler has attempted to contact The Woodlands Mall Associates, LLC, but has not received a response.

VIII.
PAPERS FROM THE REMOVED ACTION

11. Pursuant to 28 U.S.C. § 1446(a), the following documents are attached to this Notice of Removal:

Exhibit A:	Plaintiff's Original Petition and Disclosure Requests
Exhibit B:	Return of Citation served on Schindler Elevator Corporation
Exhibit C:	Defendant Schindler Elevator Corporation's Motion to Transfer Venue and subject thereto, its Original Answer to Plaintiff's Original Petition
Exhibit D:	Texas Secretary of State Report for Schindler Elevator Corporation
Exhibit E:	Texas Secretary of State Report for The Woodlands Mall Associates, LLC
Exhibit F:	State Court Docket Sheet
Exhibit G:	Index of Matters Being Filed
Exhibit H:	List of All Counsel of Record
Exhibit I:	Civil Cover Sheet

12. Schindler reserves the right to amend or supplement this Notice of Removal.

IX.
JURY DEMAND

13. Defendant hereby requests a trial by jury.

X.
CONCLUSION

14. This state court action may be removed to this Court by Schindler in accordance with provisions of 28 U.S.C. § 1441(a) because (1) this action is a civil action pending within the jurisdiction of the United States District Court for the Southern District of Texas, Houston

Division; (2) this action is between citizens of different states; and (3) the amount in controversy exceeds \$75,000, exclusive of interests and costs.

WHEREFORE, PREMISES CONSIDERED, Schindler prays for removal of this above entitled and numbered cause from the 157th Judicial District Court of Harris County, Texas to this Honorable Court.

Dated: August 31, 2021.

Respectfully submitted,

JOHNSON, TRENT & TAYLOR, L.L.P.

By: /s/ T. Christopher Trent
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CERTIFICATE OF SERVICE

I hereby certify pursuant to Rule 5, Fed.R.Civ.P., that on this 31st day of August 2021, a true and correct copy of the foregoing document was forwarded to all counsel of record, by transmitting same via electronic transmission, facsimile and/or mail properly addressed as follows:

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/s/ T. Christopher Trent
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